

AMENDED IN ASSEMBLY AUGUST 23, 2012

AMENDED IN ASSEMBLY AUGUST 22, 2012

AMENDED IN ASSEMBLY JUNE 26, 2012

SENATE BILL

No. 1017

Introduced by Committee on Budget and Fiscal Review

February 6, 2012

An act to ~~amend Section 69999.6 of the Education Code, and to amend Sections 3020, 4103, and 15372 of the Elections Code, relating to state government elections, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1017, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2012: Governor's Scholarship Programs: vote~~Vote by mail ballots and election result statements.

(1) ~~Provisions of law that became inoperative on July 1, 2003, and that were repealed on January 1, 2004, established the Governor's Scholarship Programs under the administration of the Scholarshare Investment Board. Existing law expresses the intent of the Legislature to provide explicit authority to the board to continue to administer accounts for, and to make awards to, persons who qualified for awards under the provisions of the Governor's Scholarship Programs as those provisions existed on January 1, 2003, and to provide for the management and disbursement of funds previously set aside for the Governor's Scholarship Programs. Existing law provides that the amount remaining in the Golden State Scholarshare Trust following a specified transfer is available as a reserve for funding claims for awards.~~

~~Existing law additionally states the intent of the Legislature to provide a guarantee should additional funds be needed to cover awards authorized and made pursuant to the program. Existing law also requires the board to negotiate with the current manager of the program to execute an amended or new management and funding agreement, which would be required to include specified terms.~~

~~Of those funds transferred to the General Fund, this bill would appropriate \$5,000,000 to the Chancellor of the California State University, without regard to fiscal years, to fund specified purposes relating to open education resources pursuant to legislation enacted in the 2011—12 Regular Session of the Legislature. The bill would prohibit all, or a portion, of that \$5,000,000 from being encumbered unless at least 100% of that amount encumbered is matched by private funds, and would require the amount of the \$5,000,000 that is not matched by private funds to revert to the Golden State Scholarshare Trust for purposes of the Governor's Scholarship Programs.~~

~~(2)~~

~~(1) Existing law makes the vote by mail ballot available to any registered voter. Existing law requires that those vote by mail ballots be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.~~

~~Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied. Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.~~

~~This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is received by the voter's elections official no later than 3 days after election day, and either the ballot is postmarked on or before election day or the voter has executed a declaration under penalty of perjury stating that the ballot was voted and mailed prior to 8 p.m. on election day.~~

~~Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.~~

~~(3)~~

~~(2) Existing law requires the elections official to prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election, except for specified elections.~~

This bill would instead require the elections official to submit the certified statement of the results of the election to the governing body within 31 days of the election.

(4)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

Vote: majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 69999.6 of the Education Code is~~
2 ~~amended to read:~~

3 ~~69999.6. (a) In enacting this article, it is the intent of the~~
4 ~~Legislature to accomplish all of the following:~~

5 ~~(1) Provide explicit authority to the board to continue to~~
6 ~~administer accounts for, and make awards to, persons who qualified~~
7 ~~for awards under the provisions of the Governor's Scholarship~~
8 ~~Programs as those provisions existed on January 1, 2003, prior to~~
9 ~~the repeal of former Article 20 (commencing with Section 69995).~~

10 ~~(2) Provide for the management and disbursement of funds~~
11 ~~previously set aside for the scholarship programs authorized by~~
12 ~~former Article 20 (commencing with Section 69995).~~

13 ~~(3) Provide a guarantee should additional funds be needed to~~
14 ~~cover awards authorized and made pursuant to former Article 20~~
15 ~~(commencing with Section 69995).~~

16 ~~(b) The board may manage and disburse the funds previously~~
17 ~~set aside for the scholarship programs authorized by former Article~~
18 ~~20 (commencing with Section 69995).~~

19 ~~(c) If a person has earned an award under the Governor's~~
20 ~~Scholarship Programs on or before January 1, 2003, but has not~~
21 ~~claimed the award on or before June 30, 2004, he or she still may~~
22 ~~claim the award by a date that is five years from the first June 30~~

1 that fell after he or she took the qualifying test. An award shall not
2 be made by the board after that date.

3 (d) ~~The board shall negotiate with the current manager of the~~
4 ~~Governor's Scholarship Programs and execute an amended or new~~
5 ~~management and funding agreement, before January 1, 2013, which~~
6 ~~shall include, but not be limited to, all of the following:~~

7 (1) ~~Terms providing for the return to the General Fund by no~~
8 ~~later than January 1, 2013, of moneys appropriated to the~~
9 ~~Governor's Scholarship Programs that are not anticipated to be~~
10 ~~needed to make awards pursuant to paragraphs (1) and (2) of~~
11 ~~subdivision (a).~~

12 (2) ~~Provisions that authorize the board to pay agreed-upon early~~
13 ~~withdrawal penalties or fees.~~

14 (3) ~~Terms that extend to the final date upon which the board~~
15 ~~may withdraw funds for a person who earned an award under the~~
16 ~~Governor's Scholarship Programs.~~

17 (e) (1) ~~If funds retained in the Golden State Scholarshare Trust~~
18 ~~after January 1, 2013, are insufficient to cover the remaining~~
19 ~~withdrawal requests, it is the intent of the Legislature to appropriate~~
20 ~~the necessary funds to the Golden State Scholarshare Trust for the~~
21 ~~purpose of funding individual beneficiary accounts.~~

22 (2) ~~The board shall notify the Department of Finance and the~~
23 ~~Legislature no later than 10 working days after determining that~~
24 ~~a shortfall in available funding described in paragraph (1) will~~
25 ~~occur.~~

26 (f) (1) ~~Of the funds transferred to the General Fund pursuant~~
27 ~~to paragraph (1) of subdivision (d), five million dollars~~
28 ~~(\$5,000,000) is hereby appropriated to the Chancellor of the~~
29 ~~California State University, without regard to fiscal years, to fund~~
30 ~~the establishment and administration of the California Open~~
31 ~~Education Resources Council and the California Digital Open~~
32 ~~Source Library, and the development or acquisition of open~~
33 ~~education resources, or any combination thereof, pursuant to~~
34 ~~legislation enacted in the 2011-12 Regular Session of the~~
35 ~~Legislature, provided that the chancellor may provide~~
36 ~~reimbursement to the California Community Colleges and the~~
37 ~~University of California for costs those segments, or their~~
38 ~~representatives, incur in association with the activities described~~
39 ~~in this paragraph.~~

1 ~~(2) Moneys, or a portion of moneys, appropriated pursuant to~~
2 ~~paragraph (1) shall not be encumbered unless at least 100 percent~~
3 ~~of that amount encumbered is matched by private funds. Moneys~~
4 ~~appropriated pursuant to paragraph (1) that are not matched by~~
5 ~~private funds shall revert to the Golden State Scholarshare Trust~~
6 ~~for purposes of the Governor's Scholarship Programs.~~

7 ~~(g) The board may adopt rules and regulations for the~~
8 ~~implementation of this article.~~

9 ~~SEC. 2.~~

10 ~~SECTION 1.~~ Section 3020 of the Elections Code is amended
11 to read:

12 3020. (a) All vote by mail ballots cast under this division shall
13 be received by the elections official from whom they were obtained
14 or by the precinct board no later than the close of the polls on
15 election day.

16 (b) Notwithstanding subdivision (a), any vote by mail ballot
17 cast under this division shall be timely cast if it is received by the
18 voter's elections official no later than three days after election day
19 and either of the following is satisfied:

20 (1) The ballot is postmarked on or before election day.

21 (2) The voter has executed a declaration under penalty of perjury
22 stating that the ballot was voted and mailed prior to 8 p.m. on
23 election day.

24 ~~SEC. 3.~~

25 ~~SEC. 2.~~ Section 4103 of the Elections Code is amended to read:
26 4103. (a) Notwithstanding Section 3020, ballots cast under
27 this chapter shall be returned to the elections official from whom
28 they were obtained no later than 8 p.m. on election day.

29 (b) Notwithstanding subdivision (a), any vote by mail ballot
30 cast under this chapter shall be timely cast if it is received by the
31 voter's elections official no later than three days after election day
32 and either of the following is satisfied:

33 (1) The ballot is postmarked on or before election day.

34 (2) The voter has executed a declaration under penalty of perjury
35 stating that the ballot was voted and mailed prior to 8 p.m. on
36 election day.

37 ~~SEC. 4.~~

38 ~~SEC. 3.~~ Section 15372 of the Elections Code is amended to
39 read:

15372. The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 31 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

~~SEC. 5.~~

SEC. 4. Counties may continue to use official election materials that do not take into account the provisions of Sections ~~2 and 3~~ *1 and 2* of this act, until the supply of those official election materials is exhausted.

~~SEC. 6.~~

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SEC. 7. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (c) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.~~

CORRECTIONS:

Digest—3.